

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

WADE ALAN KNIGHT,

Plaintiff,

v.

ELKO COUNTY SHERIFF'S DEPARTMENT,
et al.,

Defendants.

Case No. 3:16-CV-0711-MMD (VPC)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4. For the reasons set forth below, it is recommended that plaintiff's complaint be dismissed.

On December 7, 2016, plaintiff submitted an application to proceed *in forma pauperis* for prisoners (ECF No. 1). Because plaintiff no longer appeared to be in custody, the court ordered plaintiff to file a non-prisoner application to proceed *in forma pauperis* with the clerk within thirty days from the date of the order or November 23, 2017 (ECF No. 3). Plaintiff failed to do so.

Moreover, plaintiff failed to file a complaint in this matter. Plaintiff was provided the approved form for filing a complaint and ordered to file a complaint within thirty days from the date of the order or November 23, 2017. *Id.* Plaintiff failed to do so. Plaintiff was cautioned that if he did not timely comply with the order, dismissal of the action may result. *Id.*

Based upon the foregoing, the undersigned magistrate judge recommends that this action be dismissed without prejudice.

1 The parties are advised:

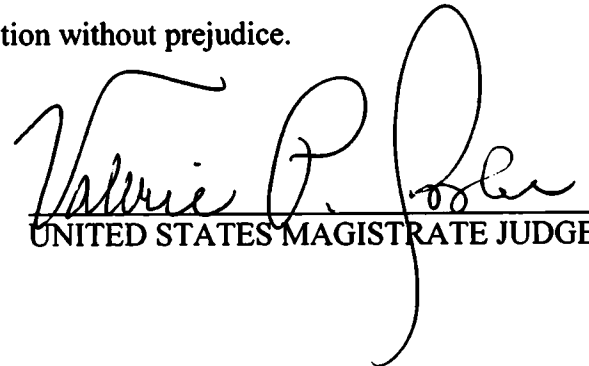
2 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice,
3 the parties may file specific written objections to this report and recommendation within fourteen
4 days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and
5 Recommendation" and should be accompanied by points and authorities for consideration by the
6 District Court.
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8 2. This report and recommendation is not an appealable order and any notice of appeal
9 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.
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11 **RECOMMENDATION**

12 For the reason stated above, the undersigned Magistrate Judge recommends that the District
13 Court enter an order **DISMISSING** this action without prejudice.

14 DATED: January 11, 2018.

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16 UNITED STATES MAGISTRATE JUDGE
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